

98CV4391-CBA-543P

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CV-98-4399 (CBA)

DISNEY ENTERPRISES INC.,
COLUMBIA PICTURES INDUSTRIES, INC.,
METRO-GOLDWYN-MAYER INC.,
PARAMOUNT PICTURES CORPORATION,
TRISTAR PICTURES, INC.,
TWENTIETH CENTURY FOX FILM CORPORATION,
UNITED ARTISTS PICTURES INC.
UNITED ARTISTS CORPORATION
UNIVERSAL CITY STUDIOS, INC.,
WARNER BROS., a division of TIME WARNER
ENTERTAINMENT CO., L.P.,
ARTISAN HOME ENTERTAINMENT INC.,
TWENTIETH CENTURY FOX HOME ENTERTAINMENT, INC.,
and COLUMBIA/TRISTAR HOME VIDEO,

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ NOV 10 1998 ★
TIME A.M. _____
P.M. _____

Plaintiffs,

vs.

MARK TAITZ, Individually and dba
COSMOPOLITAN VIDEO,

Defendant.

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PERMANENT INJUNCTION AND FINAL JUDGMENT
PURSUANT TO STIPULATION

The Court, having read and considered the Settlement Agreement and Stipulation for Entry of Judgment (the "Agreement") which has been duly executed by the parties in the within action and good cause appearing therefor, hereby ORDERS that the final judgment shall be and is hereby entered in the within action as follows:

1. Defendant Mark Taitz, Individually and dba Cosmopolitan Video, ("Defendant"), together with his agents, employees, and those acting in concert with him who have actual knowledge of this Judgment, are hereby permanently enjoined and restrained from doing any of the following:

(13)

(a) Infringing plaintiffs' rights under copyright in the motion pictures duly copyrighted by Plaintiffs, including but not limited to those identified in Exhibit A to the Complaint on file herein (the motion pictures identified in Exhibit A to the Complaint being referred to hereinafter as "the Subject Motion Pictures");

(b) Manufacturing, copying, duplicating, or knowingly selling, renting, distributing, performing or otherwise disposing of any knowingly unauthorized videocassette copies of the Subject Motion Pictures or of any other motion picture copyrighted by plaintiffs;

(c) Using the titles of the Subject Motion Pictures, of any other of plaintiffs' copyrighted motion pictures, or the trademarks, trade names or logos of any of Plaintiffs, on or in connection with videocassettes known by Defendant to be unauthorized in a manner which is likely to cause confusion as to source, or otherwise likely to cause confusion, mistake or deception in connection with the distribution, advertising, promotion, sale, rental, and other lawful exploitation of authorized videocassettes or other copies of the Subject Motion Pictures, or of any other motion picture copyrighted by plaintiffs;

2. Judgment is awarded against Defendant and in favor of Plaintiffs in the amount \$100,000.00.

3. All videocassettes seized from Defendant by the United States Marshals pursuant to the Order entered on June 25, 1998 in

the within action and which are presently under impound with counsel of record for Plaintiffs may be disposed of by Plaintiffs as they deem appropriate.

4. The undertaking in the amount of \$10,000 filed by Plaintiffs in connection with the Order is ordered exonerated and discharged, and the surety of said undertaking shall have no further liability in connection therewith whatsoever.

5. Each side shall bear its own costs of suit incurred in the within action.

6. The Court shall retain jurisdiction of the within action to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and/or enforce the provisions of the Judgment.


Dated: Brooklyn, New York
Nov. 5, 1998


United States District Judge

Presented Jointly By:

SARGOY, STEIN, ROSEN & SHAPIRO
Attorneys for Plaintiffs

By:



Gary Kaplan

MARK TAITZ
Defendant